



Lunatic Poor (Ireland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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Commencement of Act; 3.
Extent of Act; 4.
Short Title; 5.
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7.
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[Bill 104.]

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Persons

Persons received into Asylums may be detained till Removal or Discharge, and in case of Escape may be retaken within Fourteen Days; 84.

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Every Clerk receiving a Lunatic into an Asylum, to make an Entry thereof, and to transmit a Copy of the Order and Certificate of Superintendent to Inspectors; 87.

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Entries to be made of Deaths, Discharges, and Removals, and Notice given to the Inspectors in case of the Discharge, Removal, Escape, and Recapture of every Lunatic; 91.

How Justices are to proceed, where it appears to them that the Lunatic has Property applicable to his Maintenance; 92.

Liability of Relations of Pauper not to be affected; 93.

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103.

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REPEAL.

7 February 1859. 22 VICT.



(Ireland.)

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Law relating to the
Lunatic Poor in Ireland.

WHEREAS it is expedient to consolidate and amend the ^{Preamble.}
Law relating to the Lunatic Poor in Ireland, be it enacted,
by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
5 Commons, in this present Parliament assembled, and by the Authority
of the same, as follows :

I. The several Acts and Parts of Acts set forth in the Schedule to ^{Repeal of}
this Act shall, from and after the Commencement of this Act, be ^{Acts.}
repealed to the Extent to which such Acts and Parts of Acts are by
10 such Schedule expressed to be repealed : Provided that any Offence
which shall be wholly or partly committed before the Commencement
of this Act shall be dealt with, and any Penalty in respect of every
such Offence shall be recovered as if this Act had not been passed,
and the said Acts and Parts of Acts had not been repealed; and
15 every Act duly done before the Commencement of this Act shall
continue and be of the same Force and Effect as if this Act had not
been passed, and the said Acts and Parts of Acts had not been
repealed.

II. Nothing in this Act shall affect the Provisions relating to ^{Act not to}
20 Criminal Lunatics contained in any former Act. ^{affect Criminal}

[Bill 104.]

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III. This

Comment-
ment of Act. III. This Act shall commence and come into Operation on the
First Day of One thousand eight hundred and fifty-
nine.

Extent of
Act. IV. This Act shall extend only to Ireland.

Short Title. V. This Act may be cited as the "Lunatic Poor (Ireland) Act, 5
1859."

Interpreta-
tion Clause. VI. The following Words and Expressions in this Act shall have
the Meanings hereby assigned to them, unless there be something in
the Subject or Context repugnant to such Construction; that is to
say, "Lord Lieutenant" shall include any other Chief Governor or 10
Governors of Ireland; "Lord Lieutenant in Council" shall mean the
Lord Lieutenant or other Chief Governor or Governors of Ireland, by
and with the Advice of Her Majesty's Privy Council in Ireland;
"Asylum" shall mean any District Lunatic Asylum under this Act;
"Lunatic" shall include every Person of unsound Mind, from what- 15
ever Cause such Unsoundness may have arisen; "Criminal Lunatic"
shall mean any Person indicted, tried, and acquitted on the Ground of
Insanity at the Time of the Commission of the Offence wherewith
he was charged, or any Person found by a Jury to be insane at the
Time of his Indictment or Arraignment, or any Person found by a Jury 20
to be insane when charged with any Offence, and brought before any
Court to be discharged for want of Prosecution, or any Person under
Sentence of Imprisonment, Transportation, or Penal Servitude, who
shall be duly certified to be Insane; "Justice" shall mean Justice
of the Peace; "Physician" shall mean any Medical Graduate, 25
Fellow, Member, or Licentiate of any University or College of Phy-
sicians in the United Kingdom; "Surgeon" and "Apothecary"
shall respectively mean a Surgeon or Apothecary duly registered;
"Officer" shall include every Person employed on a Salary in any
Asylum; "County" shall include County of a City, and County 30
of a Town, or Riding of a County.

Commiss-
sioners of
General
Control and
Correspond-
ence
abolished. VII. The Powers of the Commissioners for General Control and
Correspondence, appointed by the Lord Lieutenant in Council, under
the Provisions of an Act passed in the Session holden in the First and
Second Years of His late Majesty, King George the Fourth, intituled, 35
"An Act to make more effectual Provision for the Establishment of
"Asylums for the Lunatic Poor, and for the Custody of Insane
"Persons charged with Offences in Ireland," shall cease and deter-
mine, save as to Acts in process of Completion: Provided, that the
Lord Lieutenant in Council may, as to such Acts, determine the 40
Powers of such Commissioners, when and how he shall see fit.

VIII. All

VIII. All District Lunatic Asylums, and Lands belonging thereto, and all Lands held therewith for any Period of Time, or on any Tenure, for the Purposes of such Asylums, and now vested in the said Commissioners of General Control and Correspondence, shall be
 5 divested from such Commissioners so soon as the Powers of such Commissioners shall be determined as to such Asylums respectively, either by this Act or by such Order in Council as last aforesaid; and the said Asylums, and all Real and Personal Property thereto belonging, shall thereupon vest in the Committee of Visitors of the Asylum
 10 herein-after mentioned, to which they shall belong respectively, in trust for the Purposes of this Act, without any Conveyance thereof respectively: Provided that such Asylums or Lands shall not be divested out of such Commissioners until a Committee of Visitors shall be constituted for such Asylums respectively, as is herein-after
 15 provided.

IX. The Lord Lieutenant in Council may, from Time to Time, order that any Number of Asylums for the Lunatic Poor shall be erected and established, or enlarged in and for such Districts as the Lord Lieutenant in Council shall see fit; and every such District
 20 shall consist of the whole of One County, or of the whole of more Counties than One, but shall not in any Case include Part only of any County; and the Lord Lieutenant in Council may likewise, from Time to Time, order the Alteration of any District, by severing any One or more than One County from any other or others with which
 25 it or they shall theretofore have been united, and erecting such One or more than One County into a new District, subject, nevertheless, to the Restriction as to the Formation of Districts above contained; and such Order shall specify what Compensation or Allowance shall be made by any of such Counties to any other of them, in respect of
 30 Expenses theretofore jointly or mutually incurred by such Counties, or theretofore incurred by some of them in respect of Lands, Buildings, or other Matters thenceforward to be used or enjoyed, or partly used or enjoyed by others of them; and all Lunatic Poor within every District shall be maintained and taken Care of in the Asylum
 35 or Asylums belonging to such District, save as herein is provided; and the Lord Lieutenant in Council may direct for what Number, or what additional Number, of Lunatics Accommodation shall be provided in every such Asylum or Enlargement thereof: Provided that the Lord Lieutenant shall cause a Draft of any such Order in
 40 Council in this Section mentioned to be transmitted to the Secretary of the Grand Jury for the County, or each of the Counties, interested in such Order, Two Calendar Months previously to the Assizes which shall take place before the Issue of such Order, and the Secretary of the Grand Jury shall, on the Receipt of such Draft Order as
 45 aforesaid, give a public Notice that he has such Draft Order.

Lands to vest in Visitors.

Lord Lieutenant in Council empowered to direct any Number of Asylums for the Lunatic Poor to be erected and established in Districts, consisting either of One County only, or of Two or more Counties.

1 & 2 G. 4. c. 53. s. 2.

Capacity of Asylums.

Notice of the Order in Council to be given.

Orders in Council to be forwarded to the several Secretaries of the Grand Jury.

X. A Copy of every such Order in Council shall, as soon as may be, after such Order shall be made, be forwarded to the Secretary of the Grand Jury for the County, or each of the Counties, as the Case may be, which shall compose the District or Districts to which any such Order shall relate, and shall be kept by him with the Records 5 of the County.

When Order in Council is made, the Secretary of the Grand Jury to give public Notice that the Grand Jury will appoint a Committee to provide Asylum.

XI. Upon such Order in Council being made, the County or Counties so ordered, shall provide or enlarge such Asylum as in such Order mentioned, in manner herein directed: The Secretary of the Grand Jury shall, on Receipt of such Order as aforesaid, give a 10 Public Notice that he has received such Order, and that the Grand Jury for such County will, at the next ensuing Assizes, proceed to appoint a Committee of Visitors for such County, for the Purpose of providing or enlarging and governing such Asylum.

Election of Committees of Visitors for each County where Order in Council is made.

XII. When such Notice has been given as aforesaid, the Grand Jury of every such County shall, at the next ensuing Assizes, proceed 15 to appoint such Committee, to consist of such Number of Persons as the Lord Lieutenant shall direct, One Half of which Number, at the least, shall be Members of such Grand Jury or Justices for the County, to superintend, wholly or in Part, the Erection or Enlargement and Management, or the Management alone, of the Asylum 20 for the Lunatic Poor of the District composed wholly or in Part of such County.

Where no Order in Council is made, the Grand Jury for each County to appoint a Committee to govern Asylum.

XIII. If the Lord Lieutenant in Council shall not make any such Order in the Case of a District already in Existence, then the Grand 25 Jury for the County, or each of the Counties, comprising such District shall, at the Spring Assizes for such County or Counties in every Year, proceed to appoint a Committee of Visitors, to consist of such Number of Persons as the Lord Lieutenant shall direct, One Half of which Number, at the least, shall be Members of such Grand 30 Jury or Justices for the County, to superintend, wholly or in Part, the Management of the Asylum for the Lunatic Poor of the District composed wholly or in part of such County.

Constitution of Committees of Visitors.

XIV. In every Case in which One County alone shall form a District for the Purposes of this Act, the Committee of Visitors 35 for such County for the Time being so appointed as aforesaid, together with the Visitors appointed by the Lord Lieutenant as herein-after provided, shall be the Committee of Visitors of the Asylum for such District; and in every Case where Two or more Counties shall be united together to form a District, the several 40 Committees of Visitors for such Counties respectively, together with the Visitors aforesaid appointed by the Lord Lieutenant, shall together form the Committee of Visitors of the Asylum for such District.

XV. As

- XV. As soon as may be after the Appointment of the Members of a Committee of Visitors by any Grand Jury, the Secretary of such Grand Jury shall transmit to the Lord Lieutenant a List of the Names of the Visitors so appointed, and thereupon, in addition to the
- 5 Members of the Committee of Visitors which the Grand Jury are required to appoint for any County as herein-before mentioned, the Lord Lieutenant may once in every Three Years appoint such Number of Persons (who shall be resident in such County) to be Members of such Committee respectively, as shall be, as nearly as may
- 10 be, equal to One Third of the Members of such Committee required to be so appointed for such County by such Grand Jury; and the Members so appointed by such Grand Jury shall continue in Office as nearly as may be for One Year, at the Expiration of which Period other Members shall be, in like Manner, appointed in their
- 15 Stead; and the Members so appointed by the Lord Lieutenant shall continue in Office as nearly as may be for Three Years; at the Expiration of which Period other Members shall be, in like Manner, appointed in their Stead: Provided, that all or any of the Members of such Committee may be re-appointed from Time to Time.

CLARENCE A. Lord Lieutenant may appoint Members of Committee of Visitors equal to One Third of Members appointed by Grand Jury.

- 20 XVI. The Expenses to be incurred in erecting Buildings, altering or enlarging any District Asylum, and of the Purchase of Lands and Buildings for the Purposes of the Asylum, and all Expenses, other than Annual Expenses to be incurred in the Maintenance of such Asylum, shall be borne by the Counties in such District, in the Pro-
- 25 portion of the Population of such Counties respectively, as ascertained by the Census last taken previously to the Date of the Order in Council directing such Erection, Alteration, or Enlargement.

Expenses of Buildings, &c., to be borne in Proportion to the Population of the Counties.

- XVII. The Annual Expenses of any District Asylum shall be borne by the Counties in such District, in Proportion to the Number of
- 30 Lunatics belonging to the several Counties comprised in such District, maintained by, or chargeable to such District, in the Year next before the Day for the Annual Audit of the Accounts of such District Asylum.

Annual Expenses to be borne by Counties in District, in Proportion to Number of Lunatics belonging to each.

- XVIII. If, at any Time after the Expiration of One Year from the
- 35 Date of Order in Council directing the Erection or Enlargement of any Asylum, it shall appear to the Lord Lieutenant in Council, upon the Report of the Inspectors, that the Committee of Visitors of the Asylum have not proceeded to carry into effect such Order in Council, the Lord Lieutenant in Council may, from Time to Time, appoint
- 40 any Person or Persons he may see fit, to act on Behalf of such District or Portion of such District, and to erect or enlarge such Asylum, or

If Committee do not provide Asylum, Lord Lieutenant in Council may appoint Persons to act for them.

to act with the Visitors of any County or Counties, which shall form Portion of the District, in erecting or enlarging such Asylum, and every Act of such Person or Persons shall be performed in like Manner, as nearly as may be, as the like Acts should be performed by a Committee of Visitors for any County duly appointed as aforesaid; and every Instrument shall be executed by such Person or Persons in like Manner, as nearly as may be, as the like Instrument should be executed by such a Committee duly appointed as aforesaid; and all such Acts and Instruments shall be as valid, and shall bind the District, or Portion of the District, on Behalf of which such Person or Persons shall be appointed to act, as if the same had been made or executed by such a Committee duly appointed as aforesaid; and from and after such Appointment of such Person or Persons as aforesaid, the Rights and Duties of the Committee or Committees of Visitors for the County or Counties for which such Person or Persons shall be so appointed shall cease, and such Committee or Committees shall be superseded and dissolved so long as such Person or Persons shall continue in Office, and the Tenure of Office of such Person or Persons shall continue so long as the Lord Lieutenant in Council shall see fit; but all Acts duly done and Instruments executed, before the Appointment of such Person or Persons, by the Committee or Committees superseded, shall be valid and effectual, and shall not be altered or repealed by such Person or Persons, without the Consent of the Lord Lieutenant in Council for that Purpose previously obtained; a Copy of every Order in Council, appointing any such Person or Persons on Behalf of any District or Portion of a District shall, as soon as may be after such Order shall be made, be forwarded to the Secretary of the Grand Jury for the County or each of the Counties, as the Case may be, which compose the Old and New District, respectively, whereof the County for which such Person or Persons shall be appointed to act, shall have formed, or is to form Part, and shall be kept by him with the Records of the County.

Copy of Order appointing Persons on behalf of District, or Portion thereof, to be forwarded to the Secretary of the Grand Jury, and entered of Record.

If Lunatics are to be removed to an Asylum not yet completed, Visitors to act with the Committee where the Lunatics remain until removed.

XIX. If, in order to give Effect to the Order in Council directing the Erection and Establishment or enlarging of any Asylum as aforesaid, it shall be necessary to remove the Lunatics of One or more Counties from One Asylum to another, and the Asylum to which such Lunatics are to be removed shall not be completed or fit for their Reception, the Committee or Committees of Visitors for such One or more Counties shall, until the Lunatics of such County or Counties be removed to the new or enlarged Asylum, act with the Visitors of the Asylum from which such Lunatics shall be about to be removed, in the Control, Superintendence, and Management of such Asylum, and whilst they shall continue so to act shall respectively have the same Powers in that Behalf, except in the Election of Officers, as a Committee of Visitors for any other County contained

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- in the District of such Asylum under this Act; and save as is by this Section provided, neither the Committee of Visitors for any County whose Asylum shall not be declared fit for the Reception of Lunatics, nor the Visitors of any Asylum not yet declared fit for the Reception of Lunatics, shall act as such Committee respectively, for the Purposes of electing or appointing the Officers of such Asylum, or for the Purposes of controlling, superintending, or managing such Asylum, as herein-after is provided, but only for the Purposes of building and providing such Asylums as herein-after is provided, until the Lord Lieutenant shall declare the Time at which any such Asylum is fit for the Reception of Lunatics, by Notice published in the "Dublin Gazette," and a like Notice sent to the Committee of Visitors of the Asylum, and directed to the Asylum, which he is hereby required to do, when it shall be certified to him by the Inspectors that such Asylum is so fit.

XX. Where any such Order in Council as aforesaid shall have been made, such Order shall specify the Time and Place at which the Committee of Visitors of the Asylum for the new District shall first meet.

First Meetings of Visitors where Order in Council made.

- XXI. Except in the Case of such First Meeting as aforesaid, the Committee of Visitors of any Asylum shall meet at such Asylum, or at or near the Place where such Asylum is to be erected, once at the least in every Month.

Meetings of Visitors: Place of Meeting.

- XXII. Such Committee shall, at their First Meeting after their Appointment, elect One of their Members to be their Chairman, and in case of the Absence of the Chairman from any Meeting, the Members of the Committee then present shall elect One of such Members to be Chairman for the Meeting; and to constitute a Meeting of a Committee there shall be present not less than Three Members thereof, and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote); and in the Event of an Equality of Votes on any Question, the Chairman, for the Time being, shall have an additional or casting Vote.

Every Committee to elect a Chairman.

16 & 17 Vict. c. 97. s. 24.

Number of Members to constitute a Meeting.

Questions, how to be decided.

- XXIII. The Committee of Visitors of every Asylum shall appoint a Clerk to such Visitors for the Purposes of this Act, at such Salary or Remuneration as such Visitors see fit, and may, if and when they see fit, remove any such Clerk; and in any such Case, or in Case of the Death or Resignation of any such Clerk, shall appoint a new Clerk; and the Clerk of the Committee of Visitors of any Asylum shall also be the Clerk of such Asylum.

Visitors to appoint a Clerk.

16 & 17 Vict. c. 97. s. 26.

XXIV. The Clerk of the Committee of Visitors of any Asylum shall, whenever required in Writing by the Chairman, or Two of the

Clerk, on Requisition of Chairman, or Two Visitors

Visitors, or of Superintendent, to call Meetings of Visitors.

16 & 17 Vict. c. 97. s. 25.

Committee of Visitors to continue until First Meeting of new Committee, and in default of Election of new Committee to continue as if re-elected.

16 & 17 Vict. c. 97. s. 27. Provision for supplying Vacancies in Committees.

Continuing Members may act.

16 & 17 Vict. c. 97. s. 28.

Where Accommodation of existing Asylum is inadequate, additional Asylum to be provided, or existing Asylum enlarged.

16 & 17 Vict. c. 97. s. 30.

Visitors to order all ordinary Repairs of Asylums.

Visitors, or by the Superintendent of the Asylum, convene a Special Meeting of such Committee, by a Notice in Writing to each Visitor of the Time and Place of such Meeting, such Notice to be delivered, left, or transmitted by such Clerk or Chairman Four Days at least before the Time appointed for the Meeting.

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XXV. The Powers of the Committee of Visitors of any Asylum, and of the Members of such Committee, shall continue until the First Meeting of the Committee by which such first-mentioned Committee is to be succeeded; and if the Grand Jury of any County shall neglect in any Year to appoint a Committee of Visitors for such County as is required by this Act, then the Committee of Visitors lastly before appointed for such County shall be the Committee of Visitors for such County, and so from Time to Time, so often as any Grand Jury shall so neglect.

XXVI. In case any Visitor appointed by the Grand Jury under this Act die, resign, or become incapable to act, the Clerk of the Visitors shall forthwith notify the same in Writing to the Visitors, and the Visitors shall, at their next Meeting after such Notice, appoint a Member duly qualified as herein-before mentioned, to fill the Vacancy created as aforesaid; but, notwithstanding any Vacancy in any Committee, the continuing Members or Visitors may act as if no such Vacancy had occurred.

XXVII. If it shall appear to the Committee of Visitors of any Asylum, at a Special Meeting of such Visitors, of which, and of the Purpose whereof, due Notice shall be given as aforesaid, that the Asylum or Asylums of their District is or are inadequate or unfit for the proper Accommodation of the Lunatic Poor of such District, such Committee may, with the Approval of the Lord Lieutenant in Council, provide an additional Asylum, or a new Asylum in lieu of any existing Asylum for such District, or may cause the existing Asylum to be enlarged or improved, or, in any other Case where the said Committee of Visitors shall, at a Special Meeting of such Visitors, of which, and of the Purpose whereof, due Notice shall be given as aforesaid, deem it necessary or expedient so to do, may with such Approval as aforesaid, improve any existing Asylum; and all Expenses which shall be incurred under the Provisions of this Section shall be borne by the Counties in the District respectively, in Proportion to their respective Populations as aforesaid.

XXVIII. The Committee of Visitors of any Asylum may, of their own Authority, from Time to Time, Order all such ordinary Repairs as may be necessary for such Asylum, and any Additions, Alterations, or Improvements to or in such Asylum, or the Offices, Outbuildings, Yards, Courts, Outlets, Grounds, Lands, and Appurtenances thereto belonging

belonging, which to them may seem fit: Provided that the Expenses of all such Additions, Alterations, and Improvements shall not exceed Four hundred Pounds in any One Year, and such Expenses shall be deemed annual Expenses incurred in the Maintenance of the 5 Asylum.

XXIX. The Committee of Visitors of any Asylum, having Authority to provide or enlarge an Asylum for the Lunatic Poor, may procure, examine, and determine on Plans and Estimates for the same, and, subject to the Approval thereof as herein-after is provided, 10 may contract for the Purchase of Lands and Buildings (and in the Case of Buildings, either with or without any Fittings-up and Furniture belonging thereto), and for building, erecting, altering, improving, restoring, furnishing, and completing, or otherwise providing such Asylum, and rendering the same in all respects fit and ready for the 15 Reception of Lunatics, and for making, laying out, and completing the Offices, Outbuildings, Yards, Courts, Outlets, Grounds, Land, and Appurtenances of or for such Asylum, and for providing Clothing for Patients, and everything necessary for the Opening of any such Asylum; and every person contracting for building or doing any 20 other such Work as aforesaid shall give to the Clerk of such Visitors sufficient Security for the due Performance of the Contract; and every such Contract, either for Purchase of Lands or Buildings, or for doing any such Work as aforesaid, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visitors; 25 and when such Asylum and Appurtenances, or (as the Case may be) the Additions to or Alterations or Improvements thereof, are completed, such Book shall be deposited and kept at the Asylum; and every such Book may be inspected, at all reasonable Times, by any Person contributing to the Rates of the County or Counties; and the 30 Committee of Visitors for every County, wholly or in Part composing the Committee of Visitors of the Asylum, shall, from Time to Time, make their Report to the Grand Jury by which they shall have been appointed respectively, of the several Plans, Estimates, and Contracts which have been agreed upon.

XXX. The Committee of Visitors of any Asylum may purchase and take a Conveyance for the Purposes of this Act from any Person having absolute Power to sell and convey, independently of this Act, any Lands or Buildings, in consideration of a yearly Rent or annual Sum to be limited to such Person, his Heirs and Assigns, or as he 40 or they shall direct, out of the Lands or Buildings to be purchased, and the same shall accordingly be conveyed as aforesaid, subject thereto.

XXXI. The Committee of Visitors of any Asylum may rent any Lands or Buildings by the Year, for the Purpose of employing such [104.] B of the Year.

As to Payment of Expenses of Repairs, &c. 16 & 17 Vict. c. 97. s. 38.

When an Asylum, or additional Asylum, or Accommodation is required, the Visitors to procure and determine on Plans and Estimates, and to contract for the Purchase of Land and Buildings, and for erecting, &c., the necessary Buildings. Contractors to give Security. Contracts and Orders to be entered in a Book, to be deposited, and to be open to the Inspection of Persons contributing to the Support of such Asylum. Visitors to report. 16 & 17 Vict. c. 97. s. 51.

Power to Visitors to purchase in Consideration of a Rent reserved. 16 & 17 Vict. c. 97. s. 32.

Power to Visitors to take land by of the Year.

of the Inmates of the Asylum as may be fit for such Employment, or otherwise for the Occupation and Use of the Patients.

Provisions of
8 & 9 Vict.
c. 18. incor-
porated, and
extended to
authorise
Exchanges.
16 & 17 Vict.
c. 97. s. 36.

Committee
of Visitors a
Corporation
for holding
Lands.

XXXII. The Provisions of "The Lands Clauses Consolidation Act, 1845," "with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title," and all other Provisions of the said Act, applicable to and in the case of the Purchase of Lands by Agreement, shall be incorporated with this Act; and all Parties by the said Provisions empowered to sell any Lands, may give Lands in exchange for the Purposes of this Act for other Lands, and enter into all necessary Agreements for that Purpose, and on any such Exchange, Money may be paid by either Party, by way of Equality of Exchange; and the said Provisions "with respect to Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title," shall apply to any Money coming to any such Parties on any such exchange; and any Lands or Buildings to be purchased, rented, or taken in Exchange for the Purposes of this Act, shall be conveyed to the Committee of Visitors for the Time being, by the Title of "The Committee of Visitors of the Lunatic Asylum for the ——— District," in trust for the Purposes of this Act (who shall be a Corporation for the Purpose of taking and holding such Lands, and shall provide a Common Seal, which shall be kept by the Clerk of the Visitors, and affixed at Meetings of the Visitors by the Chairman of the Committee, if present, and if not, by the Chairman of the Meeting); and any Conveyance to be so made shall have the like Force and Effect as a Conveyance made under Section Eighty-one of the said Lands Clauses Consolidation Act.

Power for
Visitors,
with Con-
sent of Lord
Lieutenant,
to sell or
exchange
Lands and
Buildings.
16 & 17 Vict.
c. 97. s. 40.

XXXIII. The Committee of Visitors of any Asylum may, with the previous Consent of the Lord Lieutenant, sell, either by public Auction or private Contract, and subject to any Conditions, any Lands or Buildings, or part of Lands or Buildings, which may have belonged to and been used as or together with an Asylum, or which may have been purchased or otherwise acquired under any former Act or this Act, for the Purposes of an Asylum, and found unsuitable or otherwise not required for such Purposes, or may give the same in Exchange for other Lands or Buildings, and pay or receive through the Clerk of such Asylum any Money by way of equality of Exchange; and every Conveyance of Lands or Buildings so sold or given in Exchange which shall be executed under the Common Seal of the Committee of Visitors who sell the same, shall be effectual to convey the same for all the Estate or Interest then vested in such Committee, in trust for the Purposes of such Asylum, and the

Receipt

Receipt of any Three of the Committee of Visitors shall be a sufficient discharge for the Purchase Monies, or for any Monies to be received for Equality of Exchange; and such Monies, in case the Sale or Exchange be made by a Committee of Visitors of any One County alone, shall be applied in carrying into Execution the Powers and Purposes of this Act, or shall be paid to the Treasurer of such County, and be applied for the General Purposes thereof, or otherwise, as the Grand Jury of such County shall, at some Assizes to be held for such County, direct; and in every other Case the Monies received shall be paid to the Treasurer of the County to which the Property sold or exchanged belonged, in case it belonged to any one of them, or if the same was joint Property, then to the respective Treasurers of every County, in the Proportion in which such County was respectively interested therein; and such Monies shall be held and applied by every such Treasurer as part of the general Rates or Funds of such County.

*Application
of Purchase
Monies.*

XXXIV. Where the Committee of Visitors of any Asylum shall have contracted for the Purchase of any Lands for the Purposes of an Asylum, or for any Exchange of any Lands for other Lands for such Purposes, and the Lands so contracted to be purchased or taken in Exchange are found to be unsuitable or not required for such Purposes, such Committee, or any other Committee appointed in their Place, may, with the Consent in Writing of the Lord Lieutenant, notwithstanding such Contract may have been approved as required by this Act, procure a Release from the said Contract, and in consideration of such Sum of Money (if any) as the said Committee, with such Consent as aforesaid, may agree to pay; and the said Committee may, in consideration of such Release, execute a Release on the other Party to such Contract or other the Persons bound thereby; and the Consideration Money (if any) by the said Committee agreed to be paid as aforesaid, and all Expenses in relation to the said Contract and Releases shall be paid, defrayed, and raised in like Manner as if the same were payable in Respect of the Purchase of Lands for the Purposes aforesaid.

*Visitors
may, with
Consent of
Lord Lieuten-
ant, get re-
leased from
Contracts.
16 & 17 Vict.
c. 97. s. 41.*

XXXV. No Visitor of any Asylum shall have or take, or be capable of having or taking, any Interest or Concern whatsoever either in his own Name or in the Name of any other Person, in any Contract or Agreement, save for the Purchase or leasing of Land, to be made under the Authority of this Act, or in anywise relating to or connected with such Asylum, or shall, for any Design or Plan he may deliver or produce, receive any Benefit or Emolument whatever, or otherwise have or take any Benefit or Emolument whatsoever from or out of the Funds of the Asylum; provided that this Enactment shall not extend to any such Interest, Benefit, or Emolument which any Visitor may have or derive by reason of his being a Shareholder of any

*No Visitor
to have any
Interest in
any Contract
or Agree-
ment.
16 & 17 Vict.
c. 97. s. 44.*

any Joint Stock Company with which any Contract may be entered into on Behalf of such Asylum, or which may otherwise receive any Benefit or Emolument out of the Funds of the Asylum; provided, that no Contract or Dealing between such Company and the Visitors of such Asylum be at or upon Rates or Terms more advantageous to such Company than in the Case of Contracts or Dealings by such Company with other Parties.

CLAUDE B.
Commissioners of
Her Majesty's Treas-
ury, upon
Application of Lord Lieut-
enant, may issue Money
out of Con-
solidated
Fund for es-
tablishing,
enlarging,
and main-
taining Asyl-
ums.

XXXVI. The Commissioners of Her Majesty's Treasury, upon the Application of the Lord Lieutenant, may issue and advance, out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such Sum or Sums of Money, to be applied for the Purpose of erecting and establishing or enlarging any such Asylum for the Lunatic Poor in any such District, in such Sums, and at such Times, and in such Manner and Proportions, and under such Rules, Regulations, Terms, and Con-
ditions, and may annex such Penalties for Breach of such Rules, Regulations, Terms, and Conditions, as the Commissioners of Her Majesty's Treasury shall see fit; and may also, from Time to Time, after any District Asylum shall have been certified by the Inspectors to be fit for the Reception of Lunatics, issue and advance, upon the Application of the Lord Lieutenant, out of the growing Produce of the said Consolidated Fund of the United Kingdom, any Sum or Sums of Money, not exceeding the Sum of Ten thousand Pounds in any One Quarter of a Year, to be from Time to Time paid and applied for the Purpose of opening, altering, improving, and carrying on, and of maintaining and supporting from Time to Time such Asylum, to such Amount, and at such Times, and upon such Estimates respectively, and subject to such Rules and Conditions, as the Commissioners of Her Majesty's Treasury shall see fit.

Grand Jury
to present
for the Re-
payment of
the Money
so advanced.
1 & 2 Geo. 4.
c. 33. s. 4.
6 Geo. 4.
c. 54. s. 2.

XXXVII. After any such Asylum shall be fit for the Reception of such Lunatic Poor, the Grand Jury of every County within the District in and for which such Asylum shall be erected and established, or of which such District shall consist, shall present at each Assizes, and at such Times as shall be directed by the Lord Lieutenant, without any previous Application at Presentment Sessions, the proportional Part of such Sum or Sums of Money as shall be payable by such County, to be levied off such County for the Repayment of the Money so advanced, and the same shall be levied accordingly, or in Default thereof, the same shall be inserted in, and raised by, an Order of the Judge of Assize or of the Court at any Presenting Term, which Order shall have the Force of a Presentment, and the Sum or Sums therein mentioned shall be apportioned, raised, and levied accordingly, as if the same had been inserted in a Presentment duly made at the Assizes or Presenting Term at which such Order shall be made; and

and the Money, Costs, and Expenses to be paid and contributed by any County for the Purposes of this Act shall be paid by the Treasurer of such County to such Officer as the Lord Lieutenant shall direct.

5

As to Government of Asylums.

XXXVIII. The Lord Lieutenant may, from Time to Time, frame Rules regulating the Conduct and Duties of the Officers of all District Lunatic Asylums, and the Meetings of Visitors, and the Proceedings to be held thereat, and may annex such Penalties as he may think fit for the Breach of any such Rules.

Lord Lieutenant may frame Rules. 1 & 2 Geo. 4. c. 23. s. 5.

10

XXXIX. The Committee of Visitors of every Asylum shall appoint and maintain a Superintendent, who shall be a Physician and Surgeon, and who shall have charge of such Asylum, and be resident therein, and shall be responsible for the Treatment of the Patients therein.

Appointment of Medical Superintendent.

15

XL. No Superintendent shall practise as a Physician or Surgeon, directly or indirectly, except in respect of the Persons under his Care or Advice by virtue of his Office, or by the Directions of the Visitors, in respect of Lunatics or supposed Lunatics.

Superintendent not to practise.

20

XLI. If it shall appear to the Committee of Visitors of any Asylum built to contain not less than Three hundred Patients that any Medical Officers, other than the Superintendent, is necessary in such Asylum, such Committee may appoint One or more Assistant Medical Officers, who shall be respectively Physicians or Surgeons, and shall be resident in the Asylum.

Assistant to Medical Superintendent may be appointed.

25

XLII. The Committee of Visitors of every Asylum shall appoint and maintain a Clerk of such Asylum.

Appointment of Clerk.

30

XLIII. The Committee of Visitors of every Asylum shall appoint and maintain a Visiting Physician to such Asylum, who shall be a Physician and Surgeon.

Appointment of Visiting Physician.

35

XLIV. The Committee of Visitors of every Asylum shall appoint and maintain a Person, being duly ordained in Holy Orders of the Established Church, to be a Chaplain for the same, and also a Person, being a Protestant Dissenting Minister, to be Protestant Dissenting Chaplain thereof; and also a Clergyman of the Roman Catholic Church to be Roman Catholic Chaplain thereof; and shall make Arrangements for the due Celebration of the several Services in such Asylum; and any of such Chaplains may visit

Visitors to appoint Chaplains.

Patients
allowed the
Visits of any
Ministers of
their own
Persuasion.

any Patient of his own religious Persuasion at all proper and reasonable Times, unless forbidden so to do by the Superintendent, for Reasons connected with the medical Treatment of the Patient: Provided always, that if it shall appear to the Committee of Visitors of any such Asylum, at a special Meeting of such Visitors, of which, 5 and of the Purpose whereof, due Notice shall be given as aforesaid, that the Appointment of any One of such Chaplains is unnecessary in such Asylum, such Committee may, with the Approval of the Lord Lieutenant in Council, abstain from the Appointment of any One of such Chaplains; provided always, that in case it shall, at any Time, be 10 made to appear to the Lord Lieutenant that the Number of Patients in such Asylum, of the religious Persuasion of any Chaplain so dispensed with, requires that a Chaplain of such Persuasion should be appointed, the Lord Lieutenant may require that such Appointment shall be made. 15

Appoint-
ment of
Matron.

XLV. The Committee of Visitors of every Asylum shall appoint and maintain a Matron to such Asylum, who shall be resident therein, and may appoint such other Officers for such Asylum as they may see fit.

Visitors to
fix Salaries.

XLVI. The Committee of Visitors of any Asylum may fix the 20 Salaries and Wages to be paid to the Officers of the Asylum; but the Lord Lieutenant may, by Order in Council, from Time to Time, alter the Salary of any Officer in any Asylum.

Visitors may
remove Of-
ficers, but
certain Of-
ficers to be
continued
until Lord
Lieutenant
shall other-
wise direct.

XLVII. The Committee of Visitors of any Asylum may remove 25 any Officer of such Asylum from his Office; but the Persons now holding the following Offices shall be continued in Office at their present Salaries, unless and until the Lord Lieutenant shall otherwise order, that is to say, the Resident Physician or Manager as Superintendent, the Visiting Physician as Visiting Physician, the Surgeon as Surgeon, the Matron as Matron, the Clerk and Storekeeper as Clerk 30 of the Asylum, the Apothecary as Apothecary, the Chaplains as Chaplains.

Vacancies to
be filled up
by Visitors,
where Office
is directed
to be main-
tained by
this Act.

XLVIII. On a Vacancy occurring in any Office in any Asylum, the same shall be filled up by the Committee of Visitors of such Asylum where such Office is by this Act directed to be maintained; 35 and where such Office is not by this Act directed to be maintained, such Office need not be filled up, unless such Committee shall see fit, or unless they shall be directed by the Lord Lieutenant to fill the same, but every Office, if the same shall be filled, shall be in the Gift of the Committee of Visitors; provided that on any Vacancy occur- 40 ring in the Office of Apothecary, the same shall not be filled up without Leave of the Lord Lieutenant.

XLIX. The

XLIX. The Appointments respectively of Superintendent, Assistant Medical Officer, Clerk, Chaplain, Visiting Physician, and Matron of any Asylum shall, in all cases, be subject to the Approval of the Lord Lieutenant, and the Lord Lieutenant may dismiss any Officer of any Asylum.

Certain Appointments to be subject to Approval of Lord Lieutenant.

L. The Lord Lieutenant may by Order in Council, if he shall see fit, order that the Staff of Officers belonging to any Asylum shall be increased or altered, and a Copy of every such Order shall be forthwith transmitted to the Clerk of the Visitors for the District to which such Order shall relate, who shall, at their next Meeting, take Measures for carrying such Order into effect as soon as may be.

Lord Lieutenant in Council may by Order alter Staff.

Order to be sent to the Visitors, who shall act thereon.

LI. Two Members of the Committee of Visitors of every Asylum shall, once at the least in every Month, inspect every Part of the Asylum of which they are Visitors, and see and examine, as far as Circumstances will permit, every Patient therein, and the Order and Certificate for the Admission of every Patient admitted since the last Visitation of the Visitors, and the General Books kept in such Asylum, and shall enter in a Book to be kept for that Purpose any Remarks which they may deem proper in regard to the Condition and Management of such Asylum and the Patients therein, and shall sign such Book upon every such Visit.

Two Visitors, at least, to visit once in every Two Months every Asylum.

LII. Any Visitor may, at any Time that he shall see fit, whether in the Day or Night, visit the Asylum of his own District, and may, on such Occasions, make any Entry he may see fit in the Visitors Book.

Visitors may visit the Asylum at any Time.

LIII. The Clerk of every Asylum shall keep all Books, Documents, and Instruments which the Committee of Visitors of the Asylum are required to keep or direct to be kept, and shall also keep an Account of all Monies received or paid on account of the Asylum, and shall, in the Month of February in every Year, send an Abstract of such Account for the Year previous, ending on the Thirty-first Day of December, to the Clerk or Clerks of the Crown of the County or Counties forming the District to which the Asylum shall belong, and also to the Inspectors, such Abstract to contain such Particulars and be in such Form as the Inspectors may direct; and such Inspectors shall, within One Month from the Receipt of such Abstract, cause a Copy thereof to be laid before both Houses of Parliament.

Clerk of the Asylum to keep Account of Monies paid and received, and send Abstract thereof annually to the Clerks of the Crown and the Inspectors.

LIV. The Lord Lieutenant may appoint an Auditor to audit the Accounts of every Asylum under this Act; and such Auditor shall visit every Asylum twice in every Year, and shall examine the

*CLAUSE C.
Appointment of Auditor.*

[104.]

B 4

Accounts

Accounts of every Asylum, and shall disallow and strike out of every such Account all such Charges and Payments as he shall deem to be illegal or unfounded, and shall reduce such as he shall deem to be exorbitant, and shall insert in every such Account such Charges against the Person accounting as he shall deem such Person liable to, specifying upon or at the Foot of such Account every such Charge or Payment, and its Amount, so far as he shall disallow, reduce, or insert the same, and the Cause for which the same is disallowed, reduced, or inserted; and the Lord Lieutenant may from Time to Time frame Rules regulating the Conduct and Duties of 5 such Auditor, and may direct a Salary not exceeding Five hundred Pounds per Annum, and Travelling Expenses, to be paid to such Auditor out of any Monies to be provided by Parliament for such Purpose.

Visitors to
audit Ac-
counts.

LV. The Committee of Visitors of every Asylum shall, previously 15 to the Month of February in every Year, audit the Accounts of the Clerk of such Asylum, and each County Committee shall report the same to the Grand Jury of its own County, at the then next Assizes.

Half-yearly
Reports to
be made by
Committees
of Visitors
to Grand
Jury, and
Copies sent
to Inspec-
tors.

LVI. The Committee of Visitors for each County shall, at every 20 Spring Assizes in every Year, lay before the Grand Jury of its own County a Report in Writing of the State and Condition of such Asylum, and as to its Sufficiency for the proper Accommodation of the Number of Patients for whom it may be requisite to provide Accommodation, and as to the Management of such Asylum, and the 25 Conduct of the Officers and Servants thereof, and the Care of the Patients therein, and such Committee may, in such Report, make such Remarks or Observations in relation to any Matters connected with such Asylum as they may see fit; and such Committee shall forthwith transmit a Copy of such Report to the Inspectors, and a Minute 30 of every such Report shall also be kept in the Custody of the Secretary of the Grand Jury to which it is addressed.

List of
Patients to
be made
Half-yearly,
and laid be-
fore Visitors,
and Copies
transmitted
to Secretary
of the Grand
Jury, and
Inspectors.

LVII. The Clerk of every Asylum shall, on the First Day of January and the First Day of June in every year, prepare a List of all Patients then in such Asylum, according to a Form to be approved of 35 by the Inspectors, and within Fifteen Days after such List shall have been prepared, one Copy thereof shall be laid by such Clerk before the Visitors of the Asylum, and another shall be transmitted by him to the Secretary of the Grand Jury of every County comprising the District to which such Asylum shall belong, to be by him laid before 40 the Grand Jury of such County, and another Copy of such List shall, within the same Time, be transmitted by such Clerk of the Asylum to the Inspectors.

As

As to Admission to Asylums.

LVIII. No District Asylum shall be opened until the Lord Lieutenant shall declare that such Asylum is fit for the Reception of Lunatics, by Notice published in the Dublin Gazette, and by a like Notice sent to the Committee of Visitors of the Asylum, and directed to the Asylum, which he is hereby required to do, when it shall be certified to him by the Inspectors that such Asylum is so fit.

No Asylum to be opened until declared by Lord Lieutenant fit for Reception of Lunatics.

LIX. When it shall be declared that any new District Asylum is fit for the Reception of Lunatics, the Patients belonging to such District shall thereupon be removed from the several Asylums in which they may then be under Custody or Treatment to such new Asylum, at the Expense of such new District.

Patients to be removed when new Asylum opened.

LX. The Lunatic Inmates of the Workhouse of any Union, or of the Gaol of any County, other than Criminal Lunatics at the Commencement of this Act, shall be retained therein respectively, or otherwise dealt with according to Law, as if this Act had not been passed, until the Lord Lieutenant shall order the Removal of them, or some, or a particular Class of them, to the District Asylums respectively; and the Lord Lieutenant may so order when and as he shall see fit.

Lunatics in Workhouse or Gaol to be kept there till Order from Lord Lieutenant direct their Removal.

LXI. After the Issue of any such Order as to the Inmates of any Workhouse, the Guardians of any Union mentioned in such Order shall, at any ordinary Meeting, order the Removal of any Pauper who shall be or become a Lunatic within the Workhouse of such Union to the Asylum of the District to which such Pauper shall properly belong: Provided that if such Order in Council shall be confined to a particular Class of Lunatics, the Power of Removal hereby given to such Guardians shall be confined in like Manner.

Guardians to transfer Lunatic Inmates.

LXII. No lunatic Inmate of a Workhouse shall be removed from such Workhouse to a District Asylum, unless the Medical Officer of such Workhouse shall sign a Certificate, according to a Form to be approved by the Inspectors, that he is in a fit State to be removed.

No Lunatic to be removed without Medical Certificate.

LXIII. Any Member of the Committee of Management of a Dispensary District, or any Relieving Officer or Warden acting therein, to whom Application shall at any Time have been made for medical Relief, on behalf of any poor Person resident in the District who is or is deemed to be a Lunatic, and a proper Person to be sent to an Asylum of the District, shall, within Three Days after obtaining Knowledge thereof, give Notice thereof to some Justice of the County within which the Case shall have arisen, and thereupon the said Justice shall, by an

Provisions for sending Lunatic Poor to Asylums. 16 & 17 Vict. c. 97. s. 67.

Order under his Hand and Seal, require the Relieving Officer acting in such District to bring such poor Person before him, or some other Justice of the said County, at such Time and Place, within Three Days from the Time of such Notice being given to such Justice, as shall be appointed by the said Order; and the said Justice before whom such poor Person shall be brought, shall call to his Assistance the Medical Officer of the District and examine such Person; and if such Medical Officer shall sign a Certificate with respect to such poor Person, in a Form to be approved by the Inspectors, and such Justice be satisfied, upon view or personal Examination of such poor Person, or other Proof, that such poor Person is a Lunatic, and a proper Person to be taken charge of and detained under Care and Treatment, he shall, by an Order under his Hand, direct such poor Person to be received into such Asylum as herein-after mentioned; and such Relieving Officer shall immediately convey, or cause the said Lunatic to be conveyed to such Asylum, and such Lunatic shall be received and detained therein: Provided, that any Justice may, upon Notice being given to him as aforesaid, or upon his own Knowledge, without any such Notice as aforesaid, examine any poor Person deemed to be Lunatic at his own Abode or elsewhere, and may proceed in all Respects as if such poor Person were brought before him under his Orders as aforesaid; provided also, that in case any poor Person deemed to be Lunatic cannot, on account of his Health or other Cause, be conveniently taken before any Justice, such poor Person may be examined at his own Abode or elsewhere by a Member of the Dispensary Committee of the District, together with the Relieving Officer, who shall call to their Assistance the Medical Officer of the District; and if such Medical Officer shall sign a Certificate with respect to such poor Person, in a Form to be approved by the Inspectors, and if, upon View or Examination of such poor Person, such Member of the Dispensary Committee and such Relieving Officer be satisfied that such poor Person is a Lunatic, and a proper Person to be taken Charge of, and detained under Care and Treatment, such Member of the Committee, together with such Relieving Officer, shall, by an Order under their Hands, direct such poor Person to be received into such Asylum as herein-after mentioned, and such Relieving Officer shall immediately convey or cause such poor Person to be conveyed to such Asylum, and such poor Person shall be received and detained therein; or in case the Medical Officer by whom any such poor Person shall be examined shall certify in Writing that he is not in a fit State to be removed, his Removal shall be suspended until the same or some other Medical Officer of the Union shall certify in Writing that he is fit to be removed; and every such Medical Officer is required to give such last-mentioned Certificate as soon as in his Judgment it ought to be given.

- LXIV. If it shall be certified to the Lord Lieutenant by Two Physicians or Surgeons, or a Physician and Surgeon, that any Person committed to Prison for Trial for any Offence is or has become a Lunatic, he may, by Warrant under his Hand, order that such Person shall be removed to the Lunatic Asylum of the District to which such Person shall be in Custody, and shall be detained in such Asylum, unless in the meantime admitted to Bail by some legal Authority, until the Assizes, Sessions, or Commission at which such Person shall be brought to Trial, or indicted according to the due Course of Law, and that such Person shall then be remitted to the Custody of the Keeper or Governor of the Gaol, or other Person in whose Custody such Person may have been under the Terms of the original Committal, in order to his being indicted or tried for such Offence, or otherwise disposed of according to Law: Provided, that every such Person, while so detained in such Lunatic Asylum, shall have the same Liberty and Privilege of seeing his Friends and legal Advisers, at all reasonable Times, which he would have had in the Gaol or Prison from which he may have been removed.

Lord Lieutenant may order the Removal of Insane Persons committed to Prison.

Provision as to Lunatics wandering at large, not being properly taken care of, or being cruelly treated, &c. 16 & 17 Vict. c. 97. s. 68.

Persons not Paupers cruelly treated.

- LXV. Every Constable who shall have Knowledge that any Person wandering at large is deemed to be a Lunatic, shall immediately apprehend and take such Person before a Justice; and any Justice, upon its being made to appear to him, by Information upon Oath, that any Person wandering at large within the Limits of his Jurisdiction is deemed to be a Lunatic, may, by an Order under his Hand and Seal, require any Constable to apprehend such Person, and bring him before such Justice, or some other Justice having Jurisdiction where such Person may be found; and every Constable who shall have Knowledge that any Person not wandering at large as aforesaid is deemed to be a Lunatic, and is not under proper Care and Control, or is cruelly treated or neglected by any Relative or other Person having the Care or Charge of him, shall, within Three Days after obtaining such Knowledge, give Information thereof upon Oath to a Justice; and in Case it be made to appear to any Justice, upon such Information, or upon the Information upon Oath of any other Person, that any Person within the Limits of his Jurisdiction, although not wandering at large, is deemed to be a Lunatic, and is not under proper Care and Control, or is cruelly treated or neglected by any Relative or other Person having the Care or Charge of him, such Justice shall either himself visit and examine such Person and make Inquiry into the Matters so appearing upon such Information, or, by an Order under his Hand and Seal, direct and authorize the Medical Officer of the Dispensary District within which the Case shall arise to visit and examine such Person, and make such Inquiry, and to report in Writing to such Justice his

Opinion thereupon; and in case, upon such personal Visit, Examination, and Inquiry by such Justice, or upon the Report of such Medical Officer, it appear to such Justice that such Person is a Lunatic, and is not under proper Care and Control, or is cruelly treated or neglected by any Relative or other Person having the Care or Charge of him, 5 such Justice may, by an Order under his Hand and Seal, require any Constable acting for the Place where such Person is alleged to be to bring him before any Two Justices of the same County; and the Justice or Justices (as the Case may be) before whom any such Person as aforesaid, in the respective Cases aforesaid, is brought, 10 under this Enactment, shall call to his or their Assistance the Medical Officer aforesaid, and shall examine such Person, and make such Inquiry relative to such Person as he or they shall deem necessary; and if, upon such Examination of such Person, or other Proof, such Justice be satisfied that such Person so brought before him is a 15 Lunatic, and was wandering at large, and is a proper Person to be taken charge of and detained under Care and Treatment, or such Two Justices be satisfied that such Person so brought before them is a Lunatic, and is not under proper Care and Control, or is cruelly treated or neglected by any Person having the Care or Charge of him, 20 and that he is a proper Person to be taken charge of and detained under Care and Treatment; and if such Medical Officer sign a Certificate with respect to such Person so brought either before One Justice or Two Justices, according to a Form and containing the Particulars to be approved by the Inspectors, the said Justice or Justices may, by an Order under his or their Hand and Seal, or Hands and Seals, direct such Person to be received into the Asylum of the District, 25 as herein-after mentioned, and the said Constable who may have brought such Person before the said Justice or Justices, or any Constable whom such Justice or Justices may require so to do, shall forthwith convey such Person to such Asylum accordingly: Provided, 30 that any Justice may, upon such Information or Oath as aforesaid, or upon his own Knowledge, and alone, in the Case of any such Person as aforesaid, wandering at large and deemed to be a Lunatic, or with some other Justice, in any other of the Cases aforesaid, examine the 35 Person deemed to be a Lunatic, at his own Abode or elsewhere, and proceed in all Respects as if such Person were brought before him or them as herein-before mentioned; provided also, that the said Justice or Justices may suspend the Execution of any such Order for removing any such Person as aforesaid to any Asylum for such Period, not 40 exceeding Fourteen Days, as he or they may see fit, and in the meantime may give such Directions or make such Arrangements for the proper Care and Control of such Person as he or they shall consider necessary; provided also, that if the Medical Officer aforesaid, by whom such Person is examined, certify in Writing that he is not in a 45

Justices to
call to their
Assistance
Medical
Officer.

Lunatic to be
conveyed to
Asylum.

fit

fit State to be removed, the Removal of such Person shall be suspended until the same or some other Medical Officer of the Union certify in Writing that such Person is fit to be removed; and every such Medical Officer is hereby required to give such last-mentioned
 5 Certificate as soon as in his Judgment it ought to be given; provided also, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from retaining or taking such Lunatic under his own Care, if such Relation or Friend shall satisfy the Justice or Justices before whom such Lunatic shall be
 10 brought, or the Visitors of the Asylum in which such Lunatic is or is intended to be placed, that such Lunatic will be properly taken care of.

LXVI. Any Justice or Justices causing any Person to be examined by any Medical Officer, under the Provisions herein-before contained,
 15 may, if he or they see fit, make an Order, under his or their Hand and Seal or Hands and Seals, upon the Guardians of the Union comprising the Dispensary District in which the Case shall have arisen, for the Payment of such reasonable Remuneration to such Medical Officer for the Examination of such Person, and for the Payment of all other
 20 reasonable Expenses in or about the Examination of such Person, and the bringing him before such Justice or Justices, and of conveying him to such Asylum; and the Guardians of the Union shall pay the Sums so ordered, and shall charge them to the same Account as the other Expenses of the Dispensary District.

Power to Justices to order Payment of a Fee to any Physician, &c., called in to examine any Person. 16 & 17 Vict. c. 97. s. 69.

25 LXVII. Any Justice or Justices herein-before Authorized to make any such Order as aforesaid upon the Guardians of any Union may make such Order although such Union be not within the ordinary Jurisdiction of such Justices.

Justices to make Orders out of their respective Jurisdictions.

LXVIII. Whenever it appears to the Committee of Visitors of any
 30 Asylum that such Asylum is more than sufficient for the Accommodation of all the Lunatic Poor of the District to which the same belongs, the Committee of Visitors may, if they see fit, give public Notice thereof, and may permit the Admission of so many Lunatic Poor of any other District, and (if such Committee see fit) any Lunatics
 35 not being poor Persons, but who, in the opinion of such Committee, may be proper Objects to be admitted into a public Asylum, as such Committee may see fit, and may at any time take Measures for remitting such Lunatics to the Districts or Place to which they may properly belong; and such Committee shall require that no
 40 Lunatic poor Person belonging to another District shall be admitted into such Asylum, without an Agreement or Undertaking, either general or special, properly executed by the Committee of Visitors
 [104.] C 3 for

When an Asylum can accommodate more than the Lunatics of the County, Visitors may order the Admission of other Lunatics. 16 & 17 Vict. c. 97. s. 43.

for the District to which such Lunatic shall belong; or, in the Case of a Lunatic not being a poor Person, by the Person signing the Order for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic, and a proportionate Part of the Establishment Expenses during his Continuance in such Asylum, and of the Expenses of his Burial in case he shall die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after due Notice given in Writing by the Superintendent of such Asylum; and such Lunatic, not being a poor Person, shall have the same Accommodation, in all respects, as the Lunatic Poor, unless the Superintendent shall otherwise in any Case order, as a means to the Cure of such Lunatic.

Lunatic Persons not poor may be admitted.

LXIX. Any Lunatic, not being a poor Person, but One for whom Payment is proposed to be made, may be admitted into any Asylum for which the Committee of Visitors shall have given such Permission as is herein-before mentioned: Provided that the Person seeking the Admission of such Lunatic shall sign an Order for such Admission, in a Form to be approved of by the Inspectors, and shall execute such Agreement or Undertaking, and shall produce to the Superintendent such Statement of Particulars and such Certificate as herein-before in that behalf respectively provided.

Summary Mode of recovering on such Undertaking.

LXX. Whenever any Patient, for whom Payment is proposed to be made, shall have been received into any Asylum on any such Undertaking as in the last preceding Section is mentioned for the due Payment of the Charges, and the Person bound by such Undertaking shall delay, neglect, or refuse to comply with all the Terms, or any of the Terms of such Undertaking, the Visitors of the Asylum into which such Patient shall have been so received may recover any Sum in which they may be damaged by such Delay, Neglect, or Refusal, against the Person bound by such Undertaking, by a summary Proceeding before any Justice at Petty Sessions for the District where such Person shall reside; or, in the Case of such Undertaking being given by any Committee of Visitors of another District, before the Chairman of the Quarter Sessions of any County contained in such last-mentioned District.

Visitors empowered to contract for the Reception of Lunatic Poor into Asylums of other Districts.

LXXI. The Committee of Visitors of any Asylum, whenever the Asylum for their own District shall, from any Cause, be unfit or insufficient for the Accommodation of the Lunatic Poor for such District, may contract with the Committee of Visitors of any other District Asylum for the Reception into such Asylum of the whole or of a Portion of the Lunatic Poor of the District for which such first-mentioned

- mentioned Committee is acting, at such Sum, by way of annual or other periodical Payment or Rent, and under and subject to such Terms, Stipulations, and Conditions as such Visitors shall think fit; and the Committee of Visitors of any Asylum may contract with any
- 5 Committee of Visitors accordingly: Provided that no such Contract shall be made for any longer Period than for the Term of Five Years, and that any such Contract may be determined by the Lord Lieutenant; provided also, that no such Contract shall exempt the Grand Jury of any County or any Committee from the immediate Duty and
- 10 Obligation of erecting or providing, or uniting in erecting or providing, an Asylum or additional Asylum, or of enlarging or improving any Asylum, as required by this Act, where the Lord Lieutenant has caused Notice to be given as aforesaid for the Determination of such Contract, although the Term for which such Contract was entered
- 15 into has not expired by Effluxion of Time; provided also, that any Money which may be payable under such Contract for the Reception of the Lunatics of any County into any Asylum shall be paid, defrayed, and raised by such County out of Monies which shall be applicable for the Maintenance of the Asylum of the District to which
- 20 such County shall belong.
- 16 & 17 Vict. c. 97. s. 42.

- LXXII. No lunatic Inmate of a Workhouse or lunatic poor Person shall be received into any Asylum without such Order as is herein-before provided in that Behalf, together with such Statement of Particulars as shall be ordered by the Inspectors, nor without such
- 25 a Medical Certificate as aforesaid, signed by a Medical Officer, who shall have personally examined him not more than Seven clear Days previously to his Reception; and every Person who receives any lunatic poor Person into any Asylum without such Order and Medical Certificate shall be guilty of a Misdemeanor.
- No Person to be received into any Asylum without a certain Order and Certificate.
16 & 17 Vict. c. 97. s. 73.

- LXXIII. No Person for whom Payment is proposed to be made shall be received into any Asylum without an Order under the Hand of some Person, according to a Form to be approved of by the said Inspectors, together with such Statement of Particulars as shall be ordered by the said Inspectors; nor without a Medical Certificate,
- 35 according to a Form and containing the Particulars to be required by such Inspectors, of Two Persons, each of whom shall be a Physician or Surgeon, and shall not be in Partnership with or an Assistant to the other, and each of whom shall separately from the other have personally examined the Person to whom it relates, not more than
- 40 Seven clear Days previously to the Reception of such Person into such Asylum, and such Order as aforesaid may be signed before or after the Medical Certificates or either of them; and every Person who receives any Person for whom Payment is proposed to be made
- No Person to be received into an Asylum, except under the Provisions of this Act, without an Order and Two Medical Certificates.
16 & 17 Vict. c. 97. ss. 74, 75.

into any Asylum save under the Provisions herein contained, without such Order and Medical Certificates as aforesaid, shall be guilty of a Misdemeanor: Provided that any Person may, under special Circumstances which prevent the Examination of such Person by Two Medical Practitioners as aforesaid, be received into any Asylum upon the Certificate of One Physician or Surgeon alone, provided that the Statement accompanying such Order set forth the special Circumstances which prevent the Examination of such Person by Two Medical Practitioners as aforesaid; but in every such Case Two other such Certificates shall, within Three clear Days after the Reception of such Patient into such Asylum, be signed by Two other Persons, each of whom shall be a Physician or Surgeon, not in partnership with or an Assistant to the other, or the Physician or Surgeon who signed the Certificate on which the Patient was received, and shall within such Time, and separately from the other of them, have personally examined the Person so received as a Lunatic; and any Person who, having received any Person into any Asylum as aforesaid, upon the Certificate of One Medical Practitioner alone as aforesaid, shall keep or permit such Person to remain in such Asylum beyond the said Period of Three clear Days, without such further Certificates as aforesaid, shall be guilty of a Misdemeanor.

Medical Certificate to specify Facts upon which Opinion of Insanity has been formed.

LXXIV. Every Physician or Surgeon signing any Certificate in the last Section mentioned shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is a Lunatic, distinguishing in such Certificate Facts observed by himself from Facts communicated to him by others; and no Person shall be received into any Asylum under any Certificate which purports to be founded only upon Facts communicated by others.

Who not to sign Certificate for Reception of a Patient.

16 & 17 Vict. c. 97. s. 76.

LXXV. No Physician or Surgeon who, or whose Father, Brother, Son, Partner, or Assistant shall sign the Order for the Reception of a Patient, shall sign any Certificate for the Reception of the same Patient, and no Patient shall be received into any Asylum upon or under any Certificate signed by any Medical Officer of such Asylum.

Orders and Medical Certificates may be amended.

16 & 17 Vict. c. 97. s. 87.

LXXVI. If after the reception of any Lunatic into an Asylum, it appear that the Order or the Medical Certificate, or (if more than One) both or either of the Medical Certificates, upon which he was received, is or are in any respect incorrect or defective, such Order and Medical Certificate or Certificates may be amended by the Person or Persons signing the same, at any Time within Fourteen Days next after the Reception of such Lunatic; provided, nevertheless, that no such Amendment shall have any Force or Effect unless the

the same shall receive the Sanction of One or more of the Inspectors.

As to Discharges.

- LXXVII. The Visitors of any Asylum may, by writing under their Hands and Seals, order the Discharge of any Person detained in such Asylum, whether such Person be recovered or not, provided that such Person be not then detained under the Warrant of the Lord Lieutenant, as herein-before is provided; and any Two of such Visitors, with the Advice in Writing of the Superintendent of such Asylum, may discharge any Person other than as aforesaid detained therein, or may permit any such Person to be absent from the Asylum upon Trial for such Period as such Visitors shall see fit; and in case any Person so allowed to be absent on Trial for any Period do not return at the Expiration of such Period, and a Medical Certificate as to his State of Mind, certifying that his Detention in an Asylum is no longer necessary, be not sent to the Visitors, he may, at any Time within Fourteen Days after the Expiration of such Period, be retaken, as herein-after provided in case of an Escape.

Discharge of Lunatics from Asylums.

- LXXVIII. Where Application is made to the Committee of Visitors of any Asylum, by any Relative or Friend of a lunatic poor Person confined therein, requiring that he may be delivered over to the Custody and Care of such Relative or Friend, any Two of the Visitors aforesaid may, if they think fit, and upon the Undertaking in Writing of such Relative or Friend to the Satisfaction of such Visitors that such Lunatic will be properly taken care of, and will be prevented from doing Injury to himself or others, discharge such Lunatic.

Visitors may discharge a Lunatic on the Undertaking of a Relative or Friend that he shall be taken Care of.

16 & 17 Vict. c. 97. s. 81.

- LXXIX. The Lord Lieutenant may order the Removal of any Lunatic from any Asylum to any other Asylum; and every such Order shall be made in Duplicate, and One Duplicate shall be delivered to and left with the Superintendent of the Asylum from which the Patient is removed, and the other shall be delivered to and left with the Superintendent of the Asylum to which the Patient is removed, and such Order shall be a sufficient Authority for the Removal of such Patient, and also for his Reception into the Asylum to which he is ordered to be removed; and the Expenses of the Removal and Maintenance of such Patient shall be borne by the District to which he properly belongs.

Lord Lieutenant may order Removal of Lunatics.

16 & 17 Vict. c. 97. s. 82.

- LXXX. If any Person who signed the Order on which any Patient for whom Payment is to be made was received into any Asylum (whether or not such Patient have since been removed under any Order

The Person who signed the Order for the Reception of a

private
Patient may
order his
Discharge or
Removal.
16 & 17 Vict.
c. 97. s. 83.

Order made under this Act or otherwise to any other Asylum) shall, by Writing under his Hand, direct that such Patient be discharged or removed, then and in such Case such Patient shall forthwith be discharged or removed, as the Person who signed the Order for his Reception may direct.

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Provision
where the
Person who
signed the
Order for
Reception is
dead or in-
capable of
acting.
16 & 17 Vict.
c. 97. s. 84.

LXXXI. If the Person who signed the Order on which any Patient (not being a poor Person) was received into any Asylum be dead, or be incapable, by reason of Insanity, absence from Ireland, or otherwise, of giving an Order for the Discharge or Removal of such Patient, then the Person who made the last Payment on account of such Patient, or the Husband or Wife, or (if there be no Husband, or the Husband or Wife be incapable as aforesaid) the Father, or (if there be no Father, or he be incapable as aforesaid) the Mother of such Patient, or if there be no Mother, or she be incapable as aforesaid, then any One of the nearest of Kin for the Time being of such Patient may, by Writing under his or her Hand, give such Direction as aforesaid for the Discharge or Removal of such Patient, and thereupon such Patient shall be forthwith discharged or removed accordingly.

Patient not
to be dis-
charged
where cer-
tified to be
dangerous,
without
Visitors'
Consent.
16 & 17 Vict.
c. 97. s. 85.

LXXXII. Provided, that no Patient shall be discharged under the Provisions of either of the Two last preceding Sections, if the Superintendent of the Asylum in which such Patient is certify, in writing under his Hand, that in the Opinion of such Superintendent such Patient is dangerous and unfit to be at large, together with the Grounds on which such Opinion is founded, unless Two of the Visitors of such Asylum, being Justices, shall, after such Certificate shall have been produced to them, give their Consent in Writing to such Patient's being so discharged: Provided that nothing in this Enactment shall prevent the Transfer of any Patient so certified to be dangerous and unfit to be at large from any Asylum to any other Asylum; but in such Case the Patient shall be placed under the Control of an Attendant belonging to the Asylum from or to which he is about to be removed, for the Purpose of such Removal, and shall remain under such Control until such Time as the Removal has been duly effected.

35

Provision
authorising
Transfer of
private and
single
Patients.
16 & 17 Vict.
c. 97. s. 86.

LXXXIII. Any Person, having Authority to order the Discharge of any Patient (not being a poor Person) from any Asylum, may, with the previous Consent in Writing of the Inspectors, direct, by an Order in Writing under his Hand, the Removal of such Patient to any Asylum; and every such Order and Consent shall be made and given respectively in Duplicate, and One of the Duplicates shall be delivered to and left with the Superintendent of the Asylum from which

which

- which the Patient is ordered to be removed, and the other Duplicate shall be delivered to and left with the Superintendent of the Asylum into which the Patient is ordered to be removed; and such Order for Removal, together with such Consent in Writing shall be a sufficient
 5 Authority for the Removal of such Patient, and also for his Reception into the Asylum into which he is ordered to be removed: Provided that a Copy of the Order and Certificates upon which such Patient was received into the Asylum from which he is removed, certified under the Hand of the Superintendent of such Asylum to
 10 be a true Copy, shall be furnished by him free of Expense, and shall be delivered, with One Duplicate of the said Order of Removal and Consent, to the Superintendent of the Asylum to which such Patient is removed.

- LXXXIV. Every Person received into any Asylum under such
 15 Order as is required by this Act, accompanied by the requisite Medical Certificate, may be detained therein until he be removed or discharged as authorized by this Act, and in case of Escape may, by virtue of such Order and Certificate or Certificates, be retaken at any Time within Fourteen Days after his Escape, by the Superintendent
 20 of such Asylum, or any Officer belonging thereto, or any other Person authorized in Writing in this Behalf by such Superintendent, and conveyed to and received and detained in such Asylum.

Persons received into Asylums may be detained till Removal or Discharge, and in case of Escape may be retaken within Fourteen Days.
 16 & 17 Vict. c. 97. s. 88.
 Duties of Inspectors.

- LXXXV. The Inspectors of Lunatics appointed under the Provision of an Act passed in the Session holden in the Eighth and
 25 Ninth Years of Her present Majesty, intituled, "An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in Ireland, and to amend an Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in Ireland, and for appropriating the
 30 Lunatic Asylum in the City of Cork to the Purposes of a District Lunatic Asylum," shall be Inspectors under this Act. One of such Inspectors shall, Twice at the least in every Year, on such Day or Night, and at such Hours of the Day or Night, and for such length of Time as they shall think fit, visit any Asylum in which there shall
 35 be, or alleged to be, any Lunatic, and shall inquire whether the Provisions of the Law have been carried out in the Management of such Asylum, and whether Divine Service is performed therein; and shall see every Patient therein, and shall inquire whether or not any Patient is under Restraint, and if so, why; and shall inspect the Certificate
 40 of Admission of every Patient who shall have been admitted into such Asylum, since last Inspection thereof; and shall write in a Book, to be kept for that Purpose, a Minute of the Condition of such Asylum, and of the Patients therein, and of the Number of Patients,

if any, under Restraint, and the Reasons thereof, and any Irregularity in any Certificates as aforesaid, and any other Observations he may see fit; and such Inspector shall also inquire as to the Classification of Patients in such Asylum, and the Number of Attendants on each Class; and as to the Occupations and Amusements of the Patients, 5 and the Effects thereof; and as to the Condition, as well mental as bodily, of the Patients when first received, and as to their Dietary in such Asylum; and shall also make such other Inquiries as he shall think fit, and shall make an annual Report thereon to the Lord Lieutenant, who shall cause such Report to be laid before Parliament 10 within Twenty-eight Days after the Meeting of Parliament in each Session.

Appoint-
ment of a
Special
Inspector.

LXXXVI. The Lord Lieutenant may, if he shall see fit, send a special Inspector, to be appointed by the Lord Lieutenant for that Purpose, to any Asylum, to report, for the Information of the Lord 15 Lieutenant, upon any Matter connected with such Asylum, in respect of which the Lord Lieutenant may require Information; and such special Inspector shall, for the Time being, have all the Powers conferred on the Inspectors by this Act.

General Clauses.

20

Every Clerk
receiving a
Lunatic into
an Asylum
to make an
Entry
thereof, and
to transmit
a Copy of
the Order
and Cer-
tificate of
Superintend-
ent to In-
spectors.
16 & 17 Vict.
c. 97. s. 80.

LXXXVII. The Clerk of every Asylum shall, immediately on the Admission of any Patient into such Asylum, make an Entry with respect to such Lunatic in a Book to be kept for that Purpose, to be called "The Register of Patients," according to the Form, and containing the Particulars to be specified by the Inspectors, except 25 as to the Form of Disorders, the Entry as to which is to be supplied by the Superintendent of the Asylum, within One Month after the Admission of the Patient, and after the Second and before the End of the Seventh clear Day from the Day of the Admission of any Person as a Patient into any Asylum shall transmit to the Inspectors a Copy 30 of the Order and Statement, and Certificate or Certificates on which such Patient has been so received, together with a Statement, to be made and signed by the Superintendent of the Asylum not later than Two clear Days after such Admission, according to a Form to be approved of by the Inspectors; and any Clerk omitting so to make such Entry, 35 or to transmit such Copy and Statement within the Time aforesaid, and every Superintendent omitting to make or sign such Statement shall for every such Offence forfeit any Sum not exceeding Twenty Pounds.

Weekly
Journal and
Case Book

LXXXVIII. In every Asylum the Superintendent thereof shall 40 Once in every Week enter in a Book to be kept for that Purpose, to

- to be called "The Medical Journal," a Statement according to a Form to be approved by the Inspectors, showing the Number of Patients of each Sex then in such Asylum, the Christian Name and Surname of every Patient who is or has been under Restraint or in Seclusion since the last Entry, and when and for what Period and Reason, and in case of Restraint by what Means, and the Christian Name and Surname of every Patient under Medical Treatment, and for what, if any, bodily Disorder, and every Death, Injury, and Violence which shall have happened to or affected any Patient since the then last preceding Entry, and shall also enter into a Book, to be called "The Case Book," as soon as may be after the Admission of any Patient, the mental State and bodily Condition of every Patient at the Time of his Admission, and also the History, from Time to Time, of his Case whilst he shall continue in the Asylum; and such Books shall, from Time to Time, be regularly laid before the Visitors for their Inspection and Signature, and every Superintendent omitting to make such Entries, or any of them, shall for every such Offence forfeit any Sum not exceeding Twenty Pounds.

to be kept
in every
Asylum.
16 & 17 Vict.
c. 97. s. 90.

- LXXXIX. The Clerk of every Asylum shall, within Three Days after every Meeting of the Visitors of such Asylum, transmit to the Office of the Inspectors a true and perfect Copy of all Resolutions and Proceedings of such Visitors, at such Meeting, and shall also, within Three Days after every Visit to such Asylum of any Inspector, transmit to such Office a true and perfect Copy of any Entries of any Remarks or Observations made by such Inspector in any of the Books of such Asylum, and every such Clerk omitting to transmit as aforesaid any such Copy shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Copies of
Resolutions
of Visitors,
&c., and of
Entries made
by Inspectors
visiting
Asylums to
be sent to
the Office of
Inspectors.
16 & 17 Vict.
c. 97. s. 91.

- XC. In case of the Death of any Patient in any Asylum, a Notice and Statement of the Death and Cause of the Death of such Patient, and the Name of any Person or Persons who was or were present at the Death, shall be drawn up and signed by the Clerk and Superintendent of such Asylum, and a Copy thereof shall be by the Clerk transmitted to the Inspectors within Forty-eight Hours of the Death of such Patient, and, if a Patient for whom Payment was to be made, to the Person who shall have signed the Order for the Admission of the Patient, or who made the last Payment on Account of such Lunatic; and every Clerk or Superintendent who neglects or omits to draw up, sign, or transmit such Notice or Statement as aforesaid, within the Time aforesaid, shall respectively forfeit and pay any Sum not exceeding Twenty Pounds.

In case of
the Death of
a Lunatic,
the Cause of
Death to be
stated, and
sent to the
Inspectors,
and (if a
Patient for
whom Pay-
ment was to
be made) to
the Person
signing
Order of
Admission.
16 & 17 Vict.
c. 97. s. 92.

Entries to be made of Deaths, Discharges, and Removals, and Notice given to the Inspectors in case of the Discharge, Removal, Escape, and Recapture of every Lunatic.

16 & 17 Vict.
c. 97. s. 83.

XCI. The Clerk of every Asylum shall, within Three clear Days after the Death, Discharge, or Removal of any Patient, make an Entry thereof in the said Register of Patients, and also in a Book to be kept for that Purpose, according to a Form and containing the Particulars to be approved of by the Inspectors; and shall also, within Three clear Days after the Discharge, Removal, Escape, or Recapture of any Patient, transmit a written Notice of such Discharge or Removal, according to a Form likewise to be approved of by the Inspectors, or of such Escape or Recapture, to the said Inspectors; and every such Clerk who neglects or omits to make such Entry as aforesaid, or transmit such Notice as aforesaid, within the Time aforesaid, shall forfeit and pay any Sum not exceeding Ten Pounds; and every such Clerk who shall knowingly and wilfully in such Entry untruly set forth any of the Particulars required, shall be guilty of a Misdemeanor.

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How Justices are to proceed, where it appears to them that the Lunatic has Property applicable to his Maintenance.

16 & 17 Vict.
c. 97. s. 94.
and 104.

XCII. Where any Lunatic shall be sent to an Asylum, under this Act, or where any Lunatic shall be in any District Asylum, if it appear to the Justices having Jurisdiction in the Place from which he shall have been sent, assembled at Petty Sessions, that such Lunatic hath any Estate applicable to his maintenance, and more than sufficient to maintain his Family (if any), the Clerk of the Petty Sessions may, by the Direction of such Justices make an application in Writing to the nearest known Relative or Friend of such Lunatic, to be served by a Constable on such Relative or Friend, for the Payment, wholly or in Part, of the Charges of the Examination, Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic; and in case such Charges be not paid within One Month after such Application, the Justices so assembled may issue a Summons to such Relative or Friend, on a Day to be named in such Summons, to show cause why such Warrant, as is herein-after mentioned, should not be made, and may on such Day proceed to entertain the Matter of such Summons, and may, on the Hearing thereof, or in default of the Appearance of such Relative or Friend, by Warrant in Writing direct any Officer of the Asylum to which such Lunatic shall be sent, or where such Lunatic may be, or the Head Constable of the Place where any Property of such Lunatic shall be, to seize so much of the Money, and to seize and sell so much of the Goods and Chattels, and take and receive so much of the Rents and Profits of the Lands and Tenements of such Lunatic, and of any other Income of such Lunatic, as may be necessary to pay the Charges of the Examination, Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic, accounting for the same to the Justices so assembled as aforesaid, such Charges having been first proved to the Satisfaction of the said Justices, and the Amount set forth in such Order, and shall order the Monies

Monies so raised to be applied in Payment of such Charges respectively, so far as the same will go, to the Persons entitled to receive the same respectively; and if any Trustee or other Person having the Possession, Custody, or Charge of any Property of such Lunatic, or if the Governor and Company of the Bank of Ireland, or any other Body or Person having in their or his Hands any Stock, Interest, Dividend, or Annuity belonging or due to such Lunatic, pay the whole or any Part thereof to such Officer of the Asylum, or Head Constable, to defray the Charges set forth in such Order, the Receipt of such Officer or Head Constable shall be a good Discharge to such Trustee, Governor and Company, or other Body or Person as aforesaid; and the Clerk of the Asylum to which such Lunatic shall be sent shall be reimbursed the Charges of his Maintenance, under any Order to be made as aforesaid for Payment of such Charges, out of the Property of the Lunatic, after the other Charges thereon shall be paid, unless the same be sooner repaid by some Relative or Friend of such Lunatic, in pursuance of such Application as aforesaid.

XCIII. The Liability of any Relation or Person to maintain any Lunatic shall not be taken away or affected where such Lunatic is sent to or confined in any Asylum by any Provision in this Act contained concerning the Maintenance of such Lunatic.

Liability of Relations of Pauper not to be affected.

16 & 17 Vict. c. 97. s. 100.

XCIV. Any Medical Officer, Physician, or Surgeon, who shall Sign any Certificate contrary to the Provisions herein contained, shall for every such Offence forfeit any Sum not exceeding Fifty Pounds; and any Medical Officer, Physician, or Surgeon, who shall falsely state or certify anything in any Certificate under this Act, and any Person who shall Sign any Certificate under this Act, in which he shall be described as a Physician or Surgeon, not being a Physician or Surgeon respectively within the meaning of this Act, shall be guilty of a Misdemeanor.

Medical Men signing false Certificates, and Persons not being Medical Men giving Certificates as such, guilty of Misdemeanor.

16 & 17 Vict. c. 97. s. 122.

XCV. If any Officer or other Person employed in any Asylum strike, wound, ill-treat, or wilfully neglect any Patient confined therein, he shall be guilty of a Misdemeanor, and shall be subject to Indictment for every such Offence, or to forfeit for every such Offence, on a summary Conviction thereof before two Justices, any Sum not exceeding Twenty Pounds nor less than Two Pounds.

Penalty on Officers or Servants ill-treating Lunatics.

16 & 17 Vict. c. 97. s. 123.

XCVI. If any Officer or Servant in any Asylum shall, through wilful Neglect or Connivance, permit any Patient in any Case to quit or escape from such Asylum, or be at large without such Order as in this Act mentioned (save in the Case of temporary Absence authorized under the Regulations of the Committee of Visitors), or shall

Penalty on Officers, &c. allowing Lunatics to escape or be at large without Permission.

16 & 17 Vict. c. 97. s. 124. shall secrete, or abet or connive at the Escape of any such Patient, he shall for every such Offence forfeit and pay any Sum not more than Twenty Pounds nor less than Two Pounds.

Inspectors and Clerks to Visitors may prosecute for Offences.
16 & 17 Vict. c. 97. s. 126.
XCVII. Any Inspector may prosecute or proceed against any Person for any Offence against this Act, and the Clerk to any Committee of Visitors of any Asylum, by their Order, may prosecute or proceed against any Person for any Offence against this Act, committed by any Officer belonging thereto or employed therein; and no such Prosecution or Proceeding shall abate or be discontinued by reason of the Death or Removal of such Inspector or Clerk, but his Successor shall come and be in his Place.

Penalties to be recovered under the Petty Sessions Act.
XCVIII. Every Penalty and Forfeiture imposed by this Act shall, except as is herein specially provided, be recoverable from the respective Offenders before any Justice or Justices in the same Manner, and shall be subject to the same Provisions, or as nearly as may be, with regard to Application and otherwise as Penalties under the Twenty-second Section of the "Petty Sessions (Ireland) Act, 1851."

Copies of Documents signed by proper Officer to be Evidence without Authentication of Signature.
Records to be conclusive Evidence of Facts recorded.
XCIX. Copies of every Minute or Entry and Extracts therefrom, or of or from any Books, Maps, Plans, or Reports, or Orders in Council, and other Documents by this Act directed to be kept by the Secretary of the Grand Jury as aforesaid, and purporting to be signed by the Secretary for the Time being of the Grand Jury, shall be admitted by any Court in any Proceeding as Evidence of the Contents of such Documents respectively, without Evidence that such Signature respectively was genuine; and such Copies of Orders in Council and of Minutes of Election shall be conclusive Evidence of the Facts therein recorded.

Copy of "Gazette" Evidence.
C. A Copy of the "Dublin Gazette" wherein any Order in Council to be made for any of the Purposes of this Act shall be published, shall be admitted in any Proceeding as Evidence of the making of such Order, and of the Purport and Effect thereof.

Town Councils of Dublin, Cork, and Limerick to represent Grand Juries under this Act.
CI. Whereas by "The Dublin Improvement Act, 1849," "The Cork Improvement Act, 1852," and "The Limerick Improvement Act, 1853," the Fiscal Powers of the Grand Juries for the Counties of the Cities of Dublin, Cork, and Limerick have been transferred to the Councils of the Boroughs of Dublin, Cork, and Limerick respectively, wherever in this Act it is provided that any Act should be done or Privilege exercised by the Grand Jury for any County, such Acts and Privileges shall, in the Case of the Cities aforesaid, be done
or

or exercised by the Councils of the said Boroughs respectively; and all Presentments to be made under this Act shall, in the Case of such Cities, be made as other Presentments are made therein, for the Rates representing County Cess; and all Reports, Plans, or other Documents directed by this Act to be laid by any County Committee, or otherwise, before any Grand Jury, shall, in the Case of such Cities, be laid before such Councils as aforesaid; and all Notices to be sent to, and all the Duties to be performed by the Secretary of the Grand Jury for any County under this Act, shall be sent to and performed on the like Terms by the Town Clerks of such Boroughs respectively.

CII. Every Public Notice directed by this Act to be given, shall be given by publishing such Notice in One Daily Dublin Newspaper, and also in some Provincial Newspaper usually circulated in the County to which such Public Notice shall refer.

Public Notice, how to be made.

CIII. If any Person feel aggrieved by any Order, or by the refusal of any Order, under this Act, of the Justices assembled at Petty Sessions as aforesaid, such Person may appeal to the Chairman of the Quarter Sessions at the next General or Quarter Sessions of the Peace for the County or Borough where the Matter of Appeal has arisen, the Person so appealing having given to the other Parties interested in the result of such Appeal, Fourteen clear Days' Notice of such Appeal, and such Chairman of the Quarter Sessions may hear and determine the Matter of such Appeal in a summary Way, and make such Order as to Costs as he may see fit, and his Determination shall be final and conclusive.

Persons aggrieved by Refusal of an Order may appeal to the Sessions.

16 & 17 Vict. c. 97. s. 128.

CIV. The Committee of Visitors may, on the Recommendation of the Inspectors, or One of them, direct that any Officer who has served for above Fifteen Years at the least, and who is incapable from Age, Infirmary of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be Superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding such Proportion of his Salary and Allowances as hereinafter mentioned, (that is to say,) for above Fifteen and less than Twenty Years' Service a Pension not exceeding Two Thirds of his Salary and Allowances, and for above Twenty Years' Service a Pension not exceeding his Salary and Allowances.

Superannuation of Officers.

CV. The several Salaries and Superannuation Pensions now or hereafter to become payable shall respectively be advanced, paid, presented

Salaries and Superannuation Pensions, how to be raised, &c.

presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums.

Visitors may sue and be sued in the Name of their Clerk, whose Removal shall not abate Action.

16 & 17 Vict. c. 97, s. 125.

Orders in Council to be published in "Dublin Gazette."

Inspectors to frame Forms

CVI. Every Committee of Visitors may sue and be sued in the Name of their Clerk; and no Action brought or commenced by or against any such Committee of Visitors in the Name of their Clerk, 5 shall abate or be discontinued by the Death or Removal of such Clerk; but the Clerk for the Time being to the Visitors shall always be deemed Plaintiff or Defendant in such Action, as the Case may be.

CVII. Every Order in Council to be made for any of the Purposes 10 of this Act shall be published in the "Dublin Gazette."

CVIII. The Inspectors shall frame the Forms by this Act directed to be approved by them, and shall publish the same in the "Dublin Gazette" within Days from the Commencement of this Act, and shall also forthwith forward Copies of such Forms to the several 15 Clerks of Asylums.

REPEAL.

REPEAL.

Act.	Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 33.	An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in Ireland.	The whole, except sections 16, 17.
6 Geo. 4. c. 54. -	An Act to amend an Act of the First and Second Years of His present Majesty, for the Establishment of Asylums for the Lunatic Poor in Ireland.	The whole.
7 Geo. 4. c. 14. -	An Act for the further Amendment of an Act of the First and Second Years of His present Majesty, for the Establishment of Asylums for the Lunatic Poor in Ireland.	The whole.
11 Geo. 4. and 1 Will. 4. c. 22.	An Act for appropriating the Richmond Lunatic Asylum in Dublin, to the Purpose of a District Lunatic Asylum.	The whole.
1 Will. 4. c. 13. -	An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty, King George the Fourth, intitled "An Act for appropriating the Richmond Lunatic Asylum in Dublin to the Purposes of a District Lunatic Asylum."	The whole.
1 & 2 Vict. c. 27.	An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in Ireland.	The whole.
8 & 9 Vict. c. 107.	An Act for the Establishment of a Central Asylum for Insane Persons, charged with Offences in Ireland, and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in Ireland, and for appropriating the Lunatic Asylum in the City of Cork to the Purposes of a District Lunatic Asylum.	Sections 10, 11, 13, 14, 15, 16, 17, 19, 20, 21, 25.
9 & 10 Vict. c. 115.	An Act to amend the Laws as to District Lunatic Asylums in Ireland, to provide for the Expense of the Maintenance of certain Lunatic Poor, removed from the Richmond Lunatic Asylum, Dublin, for want of Room therein, and to provide for the Salaries and Expenses incident to the Office of Inspector of Lunatics in Ireland.	The whole, except sect. 1.
18 & 19 Vict. c. 109.	An Act to make further Provisions for the Repayment of Advances out of the Consolidated Fund, for the Erection and Enlargement of Asylums for the Lunatic Poor in Ireland, and to amend the Laws with Reference to the Repayments in case of Change of District, and the Appointment of Commissioners of General Control and Correspondence.	The whole.
19 & 20 Vict. c. 99.	An Act to amend the Acts relating to Lunatic Asylums in Ireland so far as relates to Superannuation.	The whole.